

Remarks

Claims 1, 31 and 37 have been amended to recite putting wood chips in a porous container and adding the container with the wood chips to the hot wort in a brew kettle. This new limitation has a basis at paragraph [0013] of the specification. Claim 2-4 have been amended to include the limitations added to claim 1.

Previous claims 1, 2, 5, 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by the "Al's Red" publication, and previous claims 3, 4, 6, 7 and 31-42 were rejected under 35 U.S.C. § 103(a) as being obvious over Al's Red.

Turning to Al's Red, there is described a method for making beer wherein oak chips are boiled with the wort. However, nothing in Al's Red teaches or suggests methods for contacting the wood chips with the wort. In contrast, amended independent claims 1, 31 and 37 now recite an advantageous method for contacting the wood chips with the wort. This method uses a porous container that facilitates one of the objects of the invention stated at the last two lines of paragraph [0010] and at page 7, lines 1-2 of the specification, that is, the method can be integrated into normal, high volume brewing operations. By using a porous container, removal of the wood chips is simplified thereby minimizing delay in the high volume processes.

Accordingly, it is believed that amended claim 1 (and claims 2-9 that depend thereon), amended claim 31 (and claims 32-36 that depend thereon) and amended claim 37 (and claims 38-42 that depend thereon) are not anticipated or obvious over Al's Red.

Conclusion

In view of the amendments and remarks above, it is now believed that the application is in condition for allowance. However, the Examiner is invited to contact the undersigned attorney by telephone if doing so would expedite the allowance of this application. A fee sheet and extension request have been attached. If any other fees are deemed necessary, please charge Deposit Account No. 17-0055 accordingly.

Respectfully submitted,

Dated: May 17, 2004

By: 

Richard T. Roche
Registration No. 38,599
Quarles and Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
(414) 277-5805

5578496